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| 09/772,460      | 01/30/2001  | Timothy Alexander Gordon | 14244               | 7156             |

7590 09/21/2005  
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EXAMINER

TRAN, ELLEN C

ART UNIT PAPER NUMBER

2134

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,460

Applicant(s)

GORDON ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to communication: amendment filed 8 July 2005, with an original application filed 30 January 2001, and with acknowledgement of foreign application date of 26 September 2000.
2. Claims 23-60 are currently pending in this application. Claims 1-23 have been cancelled. Claims 23-60 are new. Claims 23 and 43 are independent claims. Amendment to the claims is accepted.

***Response to Arguments***

3. Applicant's arguments with respect to claims 23-60 have been considered but are not persuasive.

In response to applicant's argument on page 9, "Claim 23 is not anticipated by Alcorn. Claim 23 recites, in relevant part, "a second decrypted electronic information to replace the first resident electronic information, the second decrypted electronic information obtained for the second encrypted electronic information by the decrypting component with at least the first resident security key and the second non-resident security key. The Examiner argues Alcorn as describing the ability to use to [sic] two key for encryption with one key being held apart from the terminal and later supplied. This is incorrect. Instead, Alcorn describes using a private key/public key technique in which a private key is used to encrypt and a public key is used to decrypt ... Thus, Alcorn cannot anticipate claim 23 because it fails to describe decrypting with at least the first resident security key and the second non-resident security key." The Office disagrees Alcorn describes the steps recited in claim 23 in col. 12, lines 6-62. As in the claimed invention a first key is provided to the gaming terminal, this first key has the same meaning as

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the “first secure loader 62 including the first authentication program (FIG. 6.), and associated signatures 63. As mentioned above, in the preferred embodiment, signatures 63 include a first authentication program signature which is an encrypted version of a unique primary abbreviated bit string”. The second key that Alcorn uses to test the validity of a new game or modification to an existing game is the “second secure loader 72, and associated signatures 73 (FIG. 6). In step 108, the validity of anchor application 64 is determined using the first authentication program of the first secure loader 62 (FIG. 6)”. After the validity of the second secure loader is insured “the validity of a game data set or game-modifying data set is determined using the second authentication program or the second secure loader 72”.

In response to applicant’s argument on page 9, “Claim 23 also recites, in relevant part, “a second non-resident security key residing outside the gaming terminal and received by the gaming terminal separately from the first residing outside the gaming terminal and received by the gaming terminal separately from the first resident security key and the second encrypted electronic information”. This also is shown in Alcorn col. 12, lines 6-62. The second key is the second secure loader and this is provided separate.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 23-60** are rejected under 35 U.S.C. 102(e) as being anticipated by Alcorn et al. U.S. Patent No. 6,149,522 (hereinafter '522).

As to independent claim 43, **"A method for securely downloading information to a gaming terminal"** is taught in '522 col. 4, lines 14-23;

**"comprising: transmitting a second encrypted electronic information from a host device; receiving the second encrypted electronic information at the gaming terminal"** is shown in '522 col. 11, lines 3-29;

**"receiving at the gaming terminal a second non-resident security key separately from a first resident security key and the second encrypted electronic information"** is disclosed in '522 col. 12, lines 6-32;

**"decrypting the second encrypted electronic information into a second decrypted electronic information at the gaming; terminal with at least the first resident security key and the second non-resident security key;"** is taught in '522 col. 12, lines 33-53;

**"and replacing a first resident electronic information at the gaming terminal with the second decrypted electronic information"** is shown in '522 col. 12, lines 58-63.

As to dependent claim 44, **"wherein the transmitting the second encrypted electronic information and receiving the second encrypted electronic information occurs over a communications link"** is disclosed in '522 col. 11, lines 16-23.

As to dependent claim 45, **"wherein the communication link comprises a cable coupled to parallel ports of the host device and the receiving component"** is taught in '522 col. 7, lines 35-46.

As to dependent claim 46, “wherein the communications link comprises a secure network” is shown in ‘522 col. 2, lines 47-65.

As to dependent claim 47, “wherein the communications link comprises a wide area Ethernet network” is disclosed in ‘522 col. 7, lines 35-46.

As to dependent claim 48, “wherein the transmitting is accomplished with a physical electronic key removably attached to the gaming terminal” is taught in ‘522 col. 10, lines 28-33.

As to dependent claim 49, “further comprising decrypting an encrypted master reset component in the gaming terminal with the second non-resident security key” is shown in ‘522 col. 12, lines 52-62.

As to dependent claim 50, “further comprising determining a version information of the second encrypted electronic information with an information in the second non-resident security key” is disclosed in ‘522 col. 12, lines 52-62 and col. 9, lines 17-40.

As to dependent claim 51, “further comprising storing the second decrypted electronic information in the gaming; terminal in a nonvolatile memory” is taught in ‘522 col. 9, lines 41-50.

As to dependent claim 52, “wherein the second decrypted information comprises game application code” is shown in ‘522 col. 12, lines 52-62.

As to dependent claim 53, “wherein the second decrypted information comprises game system modules” is disclosed in ‘522 col. 12, lines 52-62.

As to dependent claim 54, “wherein the second decrypted information comprises game graphics and audio files” is taught in ‘522 col. 7, line 65 through col. 8, line 14.

As to dependent claim 55, **“wherein the second decrypted information comprises new release game software files”** is shown in ‘522 col. 12, line 52-62.

As to dependent claim 56, **“further comprising: transmitting a third encrypted electronic information from the host device; receiving the third encrypted electronic information at the gaming terminal”** is shown in ‘522 col. 11, lines 3-29 (Note, the third encrypted electronic information as well as the third key has the essentially the same meaning as second or subsequent key and encrypted information);

**“receiving a third non-resident security key with the second encrypted electronic information at the gaming terminal”** is disclosed in ‘522 col. 12, lines 6-32;

**“decrypting the third encrypted electronic information into a third decrypted electronic information at the gaming terminal with at least the first resident security key and the third non-resident security key”** is taught in ‘522 col. 12, lines 33-53;

**“and replacing the second decrypted electronic information with the third decrypted electronic information”** is shown in ‘522 col. 12, lines 58-63.

As to dependent claim 57, **“further comprising packaging the third non-resident security key and the second encrypted electronic information into one file”** is taught in ‘522 col. 4, lines 43-67 (note the packaging numbers, i.e. first, second, third are interpreted to have the same meaning the as the preparation phase for any numbered update or modification, in addition the packaging into one file is interpreted to mean packaging into a memory device).

As to dependent claim 58, **“wherein the host device is local to the gaming terminal”** is shown in ‘522 col. 2, lines 37-46.

**As to dependent claim 59, “wherein the host device is in the same geographic location to the gaming terminal” is disclosed in ‘522 col. 2, lines 46-56.**

**As to dependent claim 60, “wherein the host device is remote from the gaming terminal” is taught in ‘522 col. 2, lines 46-56.**

**As to independent claim 23, this claim is directed to an electronic downloading system of the method of claim 46; therefore it is rejected along the same rationale.**

**As to dependent claims 24-42, these claims incorporate substantially similar subject matter as claims 47-60 therefore they are rejected along similar rationale.**

### **Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:00 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished



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*Ellen. Tran*  
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18 September 2005



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